

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. The petitioners do not dispute any of the figures used by the Department. The petitioner was found eligible for the VScript Expanded program, which provides partial coverage for prescription medications. However, she was found ineligible for VHAP and was given a Medicaid spenddown amount

of \$5,296 for the six-month period beginning August 1, 2004 before she could be eligible for Medicaid coverage.

ORDER

The decisions of the Department are affirmed.

REASONS

Under the VHAP regulations, spouses living together are considered as a household, and all income of eligible household members is included as countable income for each household member's eligibility. W.A.M. 4001.81(c). For employees, the only deduction allowed is a \$90 standard deduction. It appears the petitioner's husband was allowed this deduction. Unfortunately, however, for individuals in the petitioner's position, there are no deductions for medical expenses in the VHAP program (although the Board has often noted what it considers to be the glaring unfairness of this feature).

There is no dispute that the petitioner and her husband have countable income in excess of the maximum for eligibility under the VHAP program for a two-person family, which is \$1,562 a month. P-2420 B. If applicants have income above this amount, they cannot be found eligible for that program. W.A.M. 4001.83 and 4001.84.

For Medicaid, it appears the Department considered all the family's verifiable recurring medical and prescription costs, and allowed them as a deduction from their combined income. However, even this net amount, \$1,665, was well in excess of the Medicaid maximum of \$944, and resulted in a six-month spenddown of \$5,296. The petitioners have been advised that if they incur additional medical expenses, they can also have these applied to their spenddown.

However, inasmuch as there is no dispute that the Department's decisions are in accord with its regulations, the Board is bound to uphold them. 3 V.S.A. 3091(d), Fair Hearing Rule 17.

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